

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

RAMON ARAGON, *et al.*,
Defendants.

69cv07941 BB-ACE
Rio Chama Adjudication
Section 7

Subfile Nos. CHRB-009-0001
CHRB-009-0021

ORDER


THIS MATTER comes before the Court on the Motion to Withdraw (Doc. No. 7450, filed June 3, 2004, by Pierre Levy, of the Law Offices of Daniel J. O’Friel, Ltd.). The Court has reviewed the submissions of the parties and the relevant law. For the reasons set forth below, the Motion to Withdraw shall be DENIED.

Movant seeks to withdraw from the representation of seven parties in this matter. Movant has not complied with D.N.M.LR-Civ. 83.8(a) which states in relevant part “[t]he motion and proposed order must indicate consent of the client represented by the withdrawing attorney.” The motion states only that Movant “attempted to confer with [the contact person for the parties]. No response to inquiries has been received.”

Furthermore, the Rules of Professional Conduct adopted by the Supreme Court of the State of New Mexico apply to lawyers practicing in federal court in the District of New Mexico. D.N.M. LR-Civ. 83.9. The Rules of Professional Conduct permit a lawyer to withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client,

or if other good cause for withdrawal exists. N.M.R.A. 16-116.B. The State of New Mexico's Response (Doc. No. 7468, filed June 11, 2004) indicates the parties represented by Movant may be subject to entry of a Default Order upon their failure to sign and return a Consent Order or file an Answer by July 15, 2004. Permitting Movant to withdraw a few weeks before such a deadline, where the clients have not consented to and may not even have notice of the Motion to Withdraw, could have material adverse effect on the interests of Movant's clients. Movant has not shown that other good cause for withdrawal exists. Therefore, the Motion to Withdraw shall be denied.

IT IS SO ORDERED.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE